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RES/cjs

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FAYE M. GARLAND,

Plaintiff,

V.

SUNRISE SENIOR LIVING, INC., d/b/a
SUNRISE CHURCH CREEK, SUNRISE
SENIOR LIVING SERVICES, INC.,
SUNRISE SENIOR LIVING MANAGEMENT,
INC. and SUNRISE SENIOR LIVING
INVESTMENTS, INC., a foreign Corporation,
and SPTMRT PROPERTIES TRUST, a Maryland
real estate investment trust,

Defendants.

[illegible]

Civil Action No.
Circuit Court of Cook County
No. 09 L 12309

NOTICE OF REMOVAL

NOW COME, the Defendants, SUNRISE SENIOR LIVING, INC., SUNRISE SENIOR LIVING SERVICES, INC., SUNRISE SENIOR LIVING MANAGEMENT, INC., SUNRISE SENIOR LIVING INVESTMENTS, INC., and SPTMRT PROPERTIES TRUST, by and through their attorneys, PRETZEL & STOUFFER, CHARTERED, and for their Notice of Removal, state as follows:

1. This action was filed against the named Defendants in the Circuit Court of Cook County, County Department, Law Division, State of Illinois on October 16, 2009. A copy of the Complaint, (See attached Complaint), has been served upon the Defendants. The Defendant, SPTMRT PROPERTIES TRUST, was served on November 5, 2009, (See attached Service Report). As a result, this notice is filed within 30 days after service of the Complaint.

2. At the time the action was commenced, the Plaintiff, FAYE GARLAND, was a citizen of the State of Illinois, and it is believed that she lives in Wheeling, Illinois (See attached Complaint).

3. At the time this action was commenced, Defendant, SUNRISE SENIOR LIVING, INC., was a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in the state of Virginia.

4. At the time this action was commenced, Defendant, SUNRISE SENIOR LIVING SERVICES, INC, was a Delaware corporation with its principal place of business in Virginia.

5. At the time this action was commenced, Defendant, SUNRISE SENIOR LIVING MANAGEMENT, INC, was a Virginia corporation with its principal place of business in Virginia.

6. At the time this action was commenced, Defendant, SUNRISE SENIOR LIVING INVESTMENTS, INC., was a Virginia corporation with its principal place of business in Virginia.

7. At the time this action was commenced, Defendant, SPTMRT PROPERTIES TRUST, was a Maryland real estate trust, which had its principal place of business in Massachusetts. It is believed that all Trustees of the real estate trust were not residents of Illinois.

8. Consequently, complete diversity exists between the parties to this action.

9. The amount in controversy could exceed \$75,000.00, exclusive of interest and costs. Plaintiff contends that Defendants' alleged negligence caused her to suffer severe and permanent internal and external injuries of a personal and pecuniary nature, including, but not limited to great pain and suffering and past and future medical expenses. Defendants believe that the complaint involves injuries from a motor vehicle accident, and Plaintiff's attorney has prepared and signed an affidavit stating that the case value exceeds \$50,000.00. Based on this information, there is a good faith basis to assert that the amount in controversy exceeds the jurisdictional amount for diversity jurisdiction.

10. The United States District Courts have original jurisdiction for this civil action under 28 USC §1332.

11. This Notice of Removal is filed in the United States District Court for the Northern District of Illinois, Eastern Division, which is the district and division in which the State action is pending.

12. The Defendants have attached to this Notice copies of process and pleadings that have been served upon it.

WHEREFORE, the Defendants, SUNRISE SENIOR LIVING, INC., SUNRISE SENIOR LIVING SERVICES, INC., SUNRISE SENIOR LIVING MANAGEMENT, INC., SUNRISE SENIOR LIVING INVESTMENTS, INC., and SPTMRT PROPERTIES TRUST, by and through their attorneys, PRETZEL & STOUFFER, CHARTERED, pray that this cause be removed to the United States District Court for the Northern District of Illinois.

Respectfully submitted,

/s/ Robert E. Sidkey

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CERTIFICATE OF SERVICE

A copy of the **Defendant's Notice of Removal** was filed electronically this 7th day of December, **2009**. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the court's electronic system.

ATTORNEY FOR PLAINTIFF

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Respectfully submitted,

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